

Remarks

Applicant has amended claims 31-33, canceled claims 41-43, and added new claim 44 (amending the claims as pending after the Examiner's Amendment dated April 19, 2005). This amendment is needed to capture the original scope of Applicants' claims that was not entirely captured by the Examiner's Amendment entered to remedy allegedly improper dependencies. No additional search or examination is required because the scope of the claims is not changed from the originally searched scope. The claims are patentable as amended because the subject matter was previously indicated to be patentable and the claims allowable if rewritten to correct allegedly improper dependencies. The amended claims were not presented earlier because they did not become necessary until after the Examiner's Amendment.

Claims 31-33 have been amended to place them back into their original form, except that the ingredients of the scalp treatment formulation, shampoo, and conditioner are now recited in claims 31, 32 and 33, respectively. This addresses the Examiner's dependency concern that caused him to rewrite the claims. This also eliminates the need for the Examiner's new claims 41-43.

New claim 44 has been added to revive cancelled claim 34 and recite the ingredients of the formulation of claim 23 to address dependency claims. The Examiner's Amendment cancelled claim 34 because it was redundant in the claim set presented by the Examiner's Amendment. However, that claim is not redundant now that claims 31-33 have been amended back to their original scope.

Interview Summary

Applicants' representative and Examiner Vanick discussed the Examiner's Amendment and this current Amendment on May 20, 2005. Applicants' representative noted that the Examiner's new claims 41-43 did not capture the original scope of claims 31-33 and suggested adding to original claims 31-33 the formulations from the claims on which they depend (and canceling new claims 41-43). The Examiner agreed that this was acceptable.

In a follow-up discussion on May 26, 2005, Applicants' representative noted that, in view of the proposed amendment to claims 31-33, original claim 34 was no longer redundant. Applicant proposed reviving original claim 34 as new claim 44, which the Examiner indicated would be acceptable.

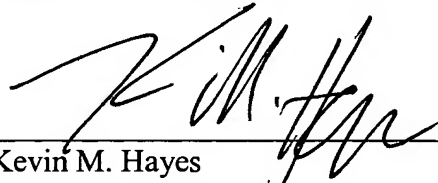
CONCLUSION

This application is in condition for issuance as amended. Applicants respectfully request that the allowed claims be amended in accordance with this Amendment and that this application proceed to issuance thereon. The Examiner is invited to telephone the undersigned if any further action is required.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Kevin M. Hayes
Registration No. 54,188

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446